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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/773,389

02/05/2004

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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3781

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/773,389 | Applicant(s) LOUCKS ET AL. | |
| | Examiner SHAWN M. BRADEN | Art Unit 3781 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/11/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delouvre in view of Willat (US Pub no 2004/0217555).

With respect to claim 1, Delouvre clearly shows a bottom panel having a perimeter; a contiguous side wall extending generally upward from the perimeter of the bottom panel and terminating at an upper end; a basket interior defined above the bottom panel and bounded by the side wall; a curved wall section of the side wall that is curved concavely inward toward the basket interior, the bottom panel and contiguous side wall including the curved wall section being formed of a primary material; and a cushion pad positioned generally at the upper end of the curved wall section, the cushion pad (clearly shown in fig. 2 the darker cushion covering the handle on the curved in wall) being formed from a secondary (the different coloring infers different material).

2. With respect to claim 2, Delouvre clearly shows a rim provided along and extending outward from the upper end of the side wall, the cushion pad being positioned

on and covering outwardly facing surfaces of a rim section that positionally coincide with the curved wall section (fig. 2).

3. With respect to claim 3, Delouvre clearly shows the secondary material (the dark ribbed cover) of the cushion pad has an exposed surface that has a higher coefficient of friction than the primary material of the basket (the ribs or groves clearly shown on the darker cushions have a higher coefficient of friction than the smooth sidewall shown in fig. 2).

4. With respect to claim 4, Delouvre clearly shows at least one handle (clearly shown fig. 1-2) provided near the upper end of the side wall and positioned opposite the curved wall section.

However Delouvre does not disclose handle grip being formed from a material that is softer than the primary material of the basket.

Willat teaches a handle grip being formed from a material that is softer than the primary material of the basket (figs 1-67) in the same field of endeavor for the purpose of having a comfortable ergonomic grip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the cushions shown in Delouvre with the cushion shown in Delouvre in order to add comfort and grip .

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delouvre in view of Willat in further view of Brightbill (US Des 362,931) .

Delouvre in view of Willat as applied above discloses the invention substantially as claimed. However Delouvre in view of Willat does not disclose a second inwardly curved wall section formed on one of the pair of end sections.

Brightbill teaches a second inwardly curved wall section formed on one of the pair of end sections (fig. 3) in the same field of endeavor for the purpose of strengthen the rim of a laundry basket.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second inwardly curved wall section formed on one of the pair of end sections as taught by Brightbill to the basket of Delouvre in view of Willat in order to have a strong rim on a laundry basket.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delouvre in view of Willat in view of Brightbill (US Des 362,931) .

Delouvre in view of Willat as applied above discloses the invention substantially as claimed. However Delouvre in view of Willat does not disclose a second inwardly curved wall.

Brightbill teaches a second inwardly curved sidewall clearly shown in fig. 3 in the same field of endeavor for the purpose of having a comfortable shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second inwardly curved sidewall as taught by Brightbill in order to have a comfortable gripping area to better hold onto the laundry basket.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. B./
Examiner, Art Unit 3781

/Anthony D Stashick/
Anthony Stashick
Supervisory Patent Examiner, Art Unit 3781